

REMARKS

1. Claim Objections

All objections have been addressed. Claim 20 has been cancelled. All instances of use of "non human" have been replaced with "non-human". Claims 34 and 35 have been corrected as suggested by the examiner.

2. Definiteness

2.1. Claim 1 has been amended to make it clear that the claimed subject matter is a transgenic mouse. This necessitated conforming amendments to the dependent claims.

2.2. Claim 29 has been amended to delete the outmoded reference to a "non-human" cell, since a cell from a mouse is necessarily "non-human".

2.3. Claim 1 has been amended to provide antecedent basis for the "SCCE-construct" of claims 32-35.

3. Written Description/Enablement

1. The written description rejection stated on pp. 3-5 of the office action is moot because claim 1 has been amended to limit the promoter to the SV40 early promoter. Claim 63 has been cancelled as redundant.

2. The enablement rejection of claim 20 is moot as that claim has been cancelled.

3. Claims 29, 30, and 32-35 stand rejected because the specification allegedly "only teaches injection into an embryo". We disagree, and hence the rejection is traversed.

While microinjection was the procedure used the Example, the more generic language of claim 29 corresponds to the teaching at P19, L20. Moreover, at P19, L33-37, the specification teaches alternatives to microinjection

The method comprises introducing the SCCE-construct into an ovum or embryo of the

mammal by physical, chemical or viral means, e.g. by electroporation, transfection, microinjection or viral infection. In a preferred embodiment of the invention, the SCCE-construct is microinjected into an ovum or embryo of the mammal or into embryonal stem cells of the mammal.

The Examiner has not demonstrated that it would require undue experimentation to use, e.g., electroporation, transfection or viral infection, or that these techniques are limited to gene transfer into "oocytes, blastocysts and totipotent ES cells".

The Examiner's attention is further directed to new claims 70-72.

Respectfully submitted,

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